

DATE: 12/4/07

APPLICATION NUMBER: 10 618 124

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Daniel Roy Stewart
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Salt Lake City UT 84116

In re Application of:
Stewart, Daniel Roy
Serial No. 10/618,124
Filed: Jul. 11, 2003
Docket: n/a

Title: COMBINATION WAIST PACK
WHICH UNFOLDS TO PROVIDE A
PROTECTIVE ACCESSORY SUCH
AS A SEAT CUSHION, WATER
RESISTANT OR INSULATED
BARRIER TO KNEEL OR LAY
DOWN UPON, OR OTHER APPAREL
OR PADDED ARTICLES
PROVIDING PROTECTION TO
VARIOUS PARTS OF A PERSON
FOR USE IN OUTDOOR SPORTS
AND RECREATION. AN
ADDITIONAL VERSION PROVIDES
A HEAT OR CHEMICAL RESISTANT
GARMENT

12/4/07
DECISION ON PETITION
UNDER 37 CFR § 1.181
To Withdraw Holding of
Abandonment

This is a decision on the petition filed on Oct. 10, 2007. The petitioner requests withdrawal of the holding of abandonment pursuant to 37 CFR 1.181(a).

The petition is **GRANTED**.

The present application was held abandoned for failure to timely respond to the non-responsive amendment letter mailed on Mar. 8, 2007, which set a one month shortened period for reply. Notice of abandonment was mailed on Sep. 19, 2007.

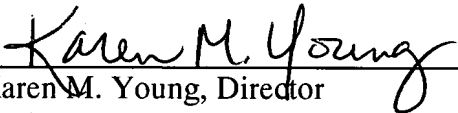
Petitioner asserts that a timely response to the non-responsive amendment letter was mailed to the Office on Mar. 29, 2007. The petitioner has supplied a copy of the amendment to the specification, a copy of signed delivery receipt bearing April 3, 2007 and a copy of self-addressed post card bearing a postmark date of Apr. 5, 2007. The petitioner also provided a signed copy of a certificate of mailing pursuant to 37 CFR § 1.8 dated Sep. 29, 2007.

As petitioner has provided convincing evidence that a timely reply to the non-responsive amendment letter mailed on Mar. 8, 2007 was filed with the Office on Apr. 3, 2007, there is no

abandonment in fact. Any inconvenience or delay caused to applicant is regretted.

In view of the above, the Notice of Abandonment mailed Sep. 19, 2007 is in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the examiner in Art Unit 3782 for appropriate action.

PETITION GRANTED



Karen M. Young, Director
Technology Center 3700